

REMARKS

Claims 1-30 are all the claims pending in the application, new claims 25-30 having been added as indicated herein. Claims 1-4, 8, 11-16, 20, 23, and 24 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Deschuytere et al. (U.S. Patent No.: 6,160,643), hereinafter referred to as Deschuytere. Claims 5 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1, 3, 4, 13, 15, and 16, and further in view of Shimizu et al. (U.S. Patent No.: 5,489,989), hereinafter referred to as Shimizu. Claims 6 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of Suhr et al. (U.S. Patent No.: 6,466,337), hereinafter referred to as Suhr. Claims 7 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of Koretsune et al. (U.S. Patent No.: 6,501,087), hereinafter referred to as Koretsune. Claims 9 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of Nishimura et al. (U.S. Patent No.: 6,094,217), hereinafter referred to as Nishimura. Claims 10 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of Brandestini et al. (U.S. Patent No.: 6,044,180), hereinafter referred to as Brandestini.

§ 102(e) Rejections (Deschuytere) - Claims 1-4, 8, 11-16, 20, 23, and 24

Claims 1-4, 8, 11-16, 20, 23, and 24 are rejected for the reasons set forth on pages 2-4 of the Office Action. Applicant traverses these rejections at least based on the following reasons.

First, with regard to the Examiner's statement related to the American Inventors Protection Act (AIPA), it is respectfully submitted all applicable art should be considered in the prosecution of this application.

With respect to claim 1, Applicant submits that Deschuytere does not teach or suggest at least "corrects for reading discrepancies in the reading device by applying data correction values to the electronic information corresponding to each area," as recited in claim 1. That is, the portion of Deschuytere cited by the Examiner only appears to discuss a portion of the process of acquiring an image for display as digital signals, but col. 9, lines 11-22 (cited by the Examiner) do not relate specifically to correcting for reading discrepancies in the reading device by applying data correction values to the electronic information corresponding to each area, as described in claim 1. The cited portion relates to representation of an image by different levels. There is no indication of correction based on discrepancies. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over Deschuytere.

Additionally, Applicant submits that Deschuytere fails to teach an area comprising plural pixels and correction on an area basis. The Examiner cites col. 9 as teaching this feature. However, the cited portion merely teaches division of signals into quantitative levels.

Applicant submits that independent claim 13 is patentable for reasons similar to those set forth above for claim 1, as claim 13 recites limitations similar to those set forth in claim 1. Further, with respect to claim 13, Applicant submits that Deschuytere does not teach or suggest at least "(b) using the image reading device to read the predetermined image and produce electronic information representing the predetermined image," as recited in claim 13. That is,

nowhere does the applied reference disclose that the image reading device is used to read the predetermined image and produce electronic information representing the predetermined image. Therefore, at least based on the foregoing, Applicant submits that independent claim 13 is patentably distinguishable over Deschuytere.

With respect to dependent claims 2-4, 8, 11, 12, 14-16, 20, 23, and 24, Applicant submits that these claims are patentable at least by virtue of their respective dependencies from independent claims 1 and 13.

Further, with respect to claims 2 and 14, the Examiner alleges that “Deschuytere discloses an apparatus and method wherein the predetermined image of the type corresponding or similar to the original has a spectral absorption characteristic approximate to that of the original (col. 20, lines 20-28).” Applicant notes that col. 20, lines 20-28 of Deschuytere discusses that a characteristic system curve is derived from the generic characteristic system curve of a reference film of the same film type by matching the densities at fog level of the reference film and of the film to be digitized, however, Applicant does not believe that the above-discussed aspect of Deschuytere teaches or suggest at least that “the predetermined image of the type corresponding or similar to the original has a spectral absorption characteristic approximate to that of the original,” as recited in claims 2 and 14.

Further, with respect to dependent claims 8 and 20, the Examiner alleges that Deschuytere discloses an apparatus and method wherein the original is a photographic film, and the predetermined original is a photographic film corresponding or similar to the photographic film of the original, exposed to an amount of light corresponding to an amount of gray in the original (col. 20, lines 20-36). In response, Applicant submits that nowhere does the portion of

Deschuytere cited by the Examiner even mention “wherein the original is a photographic film, and the predetermined original is a photographic film corresponding or similar to the photographic film of the original, exposed to an amount of light corresponding to an amount of gray in the original,” (emphasis added) as recited in claim 8, and similarly recited in claim 20.

That is, Deschuytere does not even mention an amount of light corresponding to an amount of gray in the original relative to the exposure. Therefore, at least based on the foregoing, Applicant submits that claims 8 and 20 are patentably distinguishable over Deschuytere.

§ 103(a) Rejections (Deschuytere / Shimizu) - Claims 5 and 17

Claims 5 and 17 are rejected for the reasons set forth on page 4 of the Office Action.

Applicant traverses these rejections at least based on the following reasons.

First, Applicant submits that dependent claims 5 and 17 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Shimizu does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Suhr) - Claims 6 and 18

Claims 6 and 18 are rejected for the reasons set forth on pages 5 and 6 of the Office Action. In response, Applicant submits that dependent claims 6 and 18 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Suhr does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Koretsune) - Claims 7 and 19

Claims 7 and 19 are rejected for the reasons set forth on page 6 of the Office Action. In response, Applicant submits that dependent claims 7 and 19 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Koretsune does not make up for the deficiencies of Deschuytere.

Also, Applicant elects to perfect priority under 35 U.S.C. § 119, and requests removal of Koretsune as a prior art reference. Koretsune has a filing date of April 14, 2000, which is after the filing date of JP 11-343565 (December 2, 1999), from which the present application claims benefit of priority. To perfect priority, Applicant submits herewith a verified English language translation of priority document JP 11-343565, and a statement that the translation is accurate.¹

§ 103(a) Rejections (Deschuytere / Nishimura) - Claims 9 and 21

Claims 9 and 21 are rejected for the reasons set forth on pages 6 and 7 of the Office Action. In response, Applicant submits that dependent claims 9 and 21 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Nishimura does not make up for the deficiencies of Deschuytere.

Further, with respect to the rejections of claims 9 and 21, Applicant notes that Nishimura is assigned to Fuji Photo Film Co., Ltd., and only qualifies as a reference as § 102(e) art. Therefore, under § 103(c), Nishimura can not be applied as a § 103(a) reference, and Applicant respectfully requests that this § 103 rejection be withdrawn.

§ 103(a) Rejections (Deschuytere / Brandestini) - Claims 10 and 22

Claims 10 and 22 are rejected for the reasons set forth on pages 7 and 8 of the Office Action. In response, Applicant submits that dependent claims 10 and 22 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Brandestini does not make up for the deficiencies of Deschuytere.

¹ Applicant also submits herewith an English-translation of JP 2000-352261

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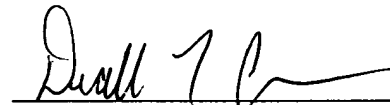
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Finally, Applicant adds new claims 25-30 to round out the scope of protection solicited for the present invention. Applicant submits that these claims are patentable at least by virtue of their respective dependencies from independent claims 1 and 13.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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